

REMARKS

The present application was filed on December 19, 2001, with claims 1-21. Claims 1, 20 and 21 are the independent claims.

Claims 1-21 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0065938 (hereinafter “Jungck”).

In this response, Applicants respectfully traverse the §102(e) rejection, and amend claims 1, 7, 8, 12, 20 and 21. Applicants respectfully request reconsideration of the present application in view of the amendments and remarks herein.

With regard to the §102(e) rejection, Applicants initially note that MPEP §2131 specifies that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully traverse the §102(e) rejection on the ground that the Jungck reference fails to teach or suggest each and every limitation of claims 1-21 as alleged.

Notwithstanding the traversal, Applicants have amended independent claims 1, 20 and 21 without prejudice to recite a look-up table accessible to a packet analyzer. The look-up table includes a plurality of entries each specifying, for a corresponding packet category, a portion indicator, and is configured to permit assignment of different portion indicators to different packet categories. The portion of the given packet stored in the first memory circuitry is determined based on the portion indicator for its associated packet category in the look-up table. Support for the amendments to the independent claims can be found, for example, in FIGS. 3A, 3B and 4 of the drawings, and in the specification at page 6, line 9, to page 9, line 12.

In the Jungck reference, as described at column 19, paragraph [0134], packet analyzer 712 of FIG. 7 determines whether or not a packet is to be intercepted. If the packet is not to be intercepted, “it is released to the routing logic 730 of the router 702 for normal routing.” If the packet is to be intercepted, “it is stored in the buffer 714 for further processing and analysis.” Thus, all packets that are not to be intercepted are apparently automatically stored, in their entirety, in the

buffer 714. Such an arrangement is believed to teach directly away from the claimed invention, and fails to provide advantages such as those described in the specification at, for example, page 3, lines 7-9.

Dependent claims 7 and 8 have been amended to maintain consistency with amended independent claim 1.

Dependent claim 12 has been amended to correct a minor error of a typographical nature.

In view of the foregoing, claims 1-21 as amended are believed to be in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" and last name "Ryan" clearly legible.

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